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To: Examiner Monica Scheinberg/Group 1634 From: James F. Kamp/wendy balabon

Fax: 763-872-9306 571-273-0749 Pages: 3 + Coversheet

Phone: 571-272-0749

Date: April 28, 2004

Re: Application Serial No. 10/002,536

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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Thank you.

● Comments:

In re application of: Michael D. Kane et al.

Serial No.: 10/002,536

Filed: November 1, 2001

For: COMPOSITIONS AND SYSTEMS FOR IDENTIFYING AND COMPARING  
EXPRESSED GENE (mRNAs) IN EUKARYOTIC ORGANISMS

Dear Examiner Scheinberg:

We received your message in regards to the misplacement of a response to restriction requirement that we filed with the Patent Office on 08/7/03. As requested, we have submitted a copy of the response to the restriction election along with the certified mailing postcard.

Please feel free to contact us should you have any questions. Thanks.

Serial No. 10/002,536 Filed: November 1, 2001 Attorney: James Kamp/wab  
 Applicant: Michael D. Kane et al. Docket No.: 65446-0087 Date Mailed: August 7, 2003  
 Title: Compositions and Systems For Identifying and ... ☐ Courier ☒ First Class Mail ☐ Express Mail No.

The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

<input type="checkbox"/>	Filing Form for Application* (in duplicate if charging deposit account).	<input type="checkbox"/>	Request for Corrected Filing Receipt
<input type="checkbox"/>	___ Originating in the U.S.	<input type="checkbox"/>	Completion of Filing Requirements
<input type="checkbox"/>	___ National Phase under Chapter I	<input type="checkbox"/>	Request for Certificate of Correction
<input type="checkbox"/>	___ National Phase under Chapter II	<input type="checkbox"/>	Request for Non-Publication
<input type="checkbox"/>	Filing Form for Application*	<input type="checkbox"/>	Request for Notice of Filing Cont./Div.
<input type="checkbox"/>	(in duplicate if charging deposit account).	<input type="checkbox"/>	Request to Extend Patent Terms
<input type="checkbox"/>	___ Provisional Application under 37 CFR 1.53(c)	<input type="checkbox"/>	Transmittal for Amendment (Response)
<input type="checkbox"/>	___ Regular Application under 37 CFR 1.53 (b)	<input type="checkbox"/>	Petition for ___ Mo. Extension of Time
<input type="checkbox"/>	___ CPA Application under 37 CFR 1.53 (d)	<input type="checkbox"/>	(in duplicate if charging deposit account)
<input type="checkbox"/>	___ Continuation Application under 37 CFR 1.53 (b)	<input type="checkbox"/>	Amendment (Response)
<input type="checkbox"/>	___ Divisional Application under 37 CFR 1.53 (b)	<input type="checkbox"/>	Preliminary Amendment (Response)
<input type="checkbox"/>	___ Cont. In Part Application under 37 CFR 1.53 (b)	<input checked="" type="checkbox"/>	Response to Election Restriction Requirement
<input type="checkbox"/>	___ Design	<input type="checkbox"/>	Information Disclosure Statement, with
<input type="checkbox"/>	___ RCE	<input type="checkbox"/>	Form(s) PTO-1449 (___ sheets) and
<input type="checkbox"/>	___ Other _____	<input type="checkbox"/>	copies of references
<input type="checkbox"/>	*Patent Application Including:	<input type="checkbox"/>	___ Affidavit or ___ Declaration under
<input type="checkbox"/>	___ Pages Specification	<input type="checkbox"/>	37 CFR ___ \$1.131 ___ \$1.132
<input type="checkbox"/>	___ Pages Claims (Claims 1 through ___)	<input type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	___ Pages Abstract	<input type="checkbox"/>	Petition _____
<input type="checkbox"/>	___ Sheets of Drawings (Fig. 1 through ___)	<input type="checkbox"/>	Status Inquiry
<input type="checkbox"/>	Declaration/Power of Attorney (___ pages)	<input type="checkbox"/>	Issue Fee Transmittal
<input type="checkbox"/>	Verified Stmt-Small Entity Status	<input checked="" type="checkbox"/>	___ Separate post card(s)
<input type="checkbox"/>	Executed Power of Attorney	<input type="checkbox"/>	Deposit Account Charges _____
<input type="checkbox"/>	___ Priority Document(s) No. _____ & cover sheet	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	___ Assignment(s) & cover sheet	<input type="checkbox"/>	
<input type="checkbox"/>	Request to Approve Drawing Change.	<input type="checkbox"/>	
<input type="checkbox"/>	with ___ Sheets of Red-Line Drawings	<input type="checkbox"/>	
<input type="checkbox"/>	___ Sheets Formal Drwgs w/Cover Sheet	<input type="checkbox"/>	
<input type="checkbox"/>	Request for Refund	<input type="checkbox"/>	

Attorney's Docket No. 65446-0087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael D. Kane, et al.

Application No.: 10/002,536 Group No.: 1634

Filed: November 1, 2001 Examiner: Arun K. Chakrabarti

For: COMPOSITIONS AND SYSTEMS FOR IDENTIFYING AND  
COMPARING EXPRESSED GENES (MRNAs) IN EUKARYOTIC ORGANISMS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT  
PURSUANT TO 35 U.S.C. 121

This response addresses the Election/Restriction requirement dated July 8, 2003, with respect to the above-identified patent application.

The Examiner has indicated that the application contains multiple embodiments that are patentably distinct from one another and create patentably distinct designs. The embodiments have been divided into two distinct groupings, Groups I to II.

Accordingly, Applicant elects to proceed with Group I, claims 1-32, without prejudice with respect to any non-elected claims.

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office to Examiner \_\_\_\_\_ at (703) \_\_\_\_\_

Date: August 7, 2003

  
Wendy Balabon

Practitioner's Docket No. 65446-0087

Serial No. 10/002,536

If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.

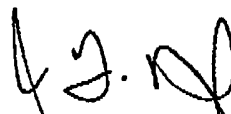
It is believed that the application is now in condition for allowance.

Any fees required in connection with the filing of this paper, is identified in the accompanying transmittal.

Respectfully submitted,

Dated: August 7, 2003

By:



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